

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,

Plaintiff,

v.

RADCLIFF INVESTMENTS LIMITED,
ROTHSCHILD TRUST GUERNSEY LIMITED,
and ROBERT D. SALEM,

Defendants.

Adv. Pro. No. 10-04517 (SMB)

**STIPULATION AND ORDER EXTENDING THE DEADLINE FOR THE TRUSTEE TO
FILE AN AMENDED COMPLAINT**

Plaintiff Irving H. Picard (the “Trustee”), as trustee of the substantively consolidated liquidation proceeding of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff, individually, and defendant Rothschild Trust Guernsey Limited

(“Defendant,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, state as follows:

WHEREAS, on November 30, 2010, the Trustee initiated the above-captioned adversary proceeding in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) by filing a complaint against Defendant, among others.¹ *See Picard v. Radcliff Investments Limited, et al.*, Adv. Pro. No. 10-04517 (SMB), ECF No. 1;

WHEREAS, on March 31, 2017, the Trustee filed the First Amended Complaint. *See id.*, ECF No. 54;

WHEREAS, on May 1, 2017, the Defendant filed a motion to dismiss the First Amended Complaint (the “Motion to Dismiss”), *See id.*, ECF No. 57;

WHEREAS, on September 20, 2017, the Court heard oral argument on the Motion to Dismiss at which time the Court issued a ruling from the bench which granted in part and denied in part the Motion to Dismiss;

WHEREAS, on October 3, 2017, the Court entered the Order Granting in Part and Denying in Part Motion to Dismiss the First Amended Complaint (the “Order”), which incorporated the Court’s ruling from the bench. *See id.*, ECF No. 67;

WHEREAS, the deadline for the Trustee to file an amended complaint is presently November 22, 2017;

WHEREAS, the Parties have conferred and agreed to engage in certain informal settlement discussions;

NOW, for the reasons set forth, the Parties agree and stipulate and the Bankruptcy Court hereby orders:

¹ On April 5, 2017, Judgment by Default was entered against Robert D. Salem for failing to appear in this proceeding and file an answer to the Trustee’s complaint. ECF No. 56. Accordingly, this Stipulation does not apply to Mr. Salem.

1. The Trustee's deadline to file a second amended complaint is extended from November 22, 2017 to and including December 22, 2017;

2. Nothing contained herein can or shall be construed as an adjudication on the merits of any claims or defenses that the Parties may have against each other or any other party, or as an admission or acknowledgment of any claim or defense as against the other by the Trustee or Defendant, with all such claims and defenses preserved.

5. The above deadlines granted by this Stipulation are without prejudice to any future extensions of time.

6. The Stipulation may be signed by respective counsel for the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: November 17, 2017
New York, New York

By: /s/ Jeff E. Butler
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*Attorneys for Irving H. Picard, Trustee
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Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L. Madoff*

SO ORDERED

Dated: **November 17, 2017**
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE